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21972 7590 11/22/2010 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN WESLEY DAMON, SHAUN TIMOTHY LOVE, and
CARY PATTERSON RAVITZ

Appeal 2009-008203
Application 09/685,052
Technology Center 2600

Before MAHSHID D. SAADAT, ALLEN R. MacDONALD, and
ROBERT E. NAPPI, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1, 2, 4-6, 9, 11, 12, 14, 15, and 17-19. Claims 3, 7, 8, 10, 13, and 16 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows:

1. A method for reducing the occurrence of print artifacts in an imaging machine, comprising the steps of:

applying electronic printhead skew correction to image data corresponding to at least one of a plurality of image planes to generate skew corrected image data; and

applying an associated halftone screen to said skew corrected image to reduce distortion which would be introduced by the use of said associated halftone screen prior to said electronic printhead skew correction.

Rejections

1. The Examiner rejected claims 1, 4, 9, and 14 under 35 U.S.C. § 102(b) as being anticipated by Yoshida, 5,719,680.
2. The Examiner rejected claims 2, 5, 6, 15, and 17-19 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Yoshida, Cullen, 5,854,854, and Kawakami, 5,497,180.
3. The Examiner rejected claims 11 and 12 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Yoshida, Cullen, and Saund, 5,835,241.

Appellants' Contentions

Appellants contend that the Examiner erred in rejecting claims 1, 4, 6, 9, 11, and 14 because:

A. As to independent claims 1, 4, and 14, “nothing in Yoshida is suggestive of a halftone screen” (Br. 14 and 18).

B. Also as to independent claim 4, “Yoshida does not teach the continuous tone claimed, the bytemap claimed, nor the halftone screen application claimed” (Br. 17).

C. Also as to independent claim 14, Yoshida lacks “a teaching of pre-compensating a halftone screen” (Br. 18).

D. As to independent claims 6 and 11, “Yoshida does not disclose continuous tone data or generating a plurality of bytemaps” (Br. 19 and 21).

Issues on Appeal

Whether the Examiner has erred in rejecting 1, 4, 9, and 14 as being anticipated because Yoshida fails to disclose claim limitation(s) of (i) applying a halftone screen (independent claims 1, 4, and 9), (ii) receiving continuous tone data and generating image bytemaps from the continuous tone data (independent claims 4 and 9), or (iii) applying a pre-compensated halftone screen (independent claim 14)?

Whether the Examiner has erred in rejecting claims 2, 5, 6, 11, 12, 15, and 17-19 as being unpatentable because Yoshida fails to disclose or suggest the claim limitation(s) of (i) applying a halftone screen (independent claims 1 and 4), (ii) receiving continuous tone data and generating image bytemaps from the continuous tone data (independent claim 4), (iii) applying a pre-compensated halftone screen (independent claim 14), (iv) receiving

continuous tone data (independent claim 11), or (v) generating image bytemaps from the continuous tone data (independent claim 6)?

ANALYSIS

We agree with all of Appellants' contentions A-D above. The Examiner has erred in finding that Yoshida discloses or suggests applying a halftone screen or a pre-compensated halftone screen, receiving continuous tone data, and/or generating image bytemaps from the continuous tone data. Appellants are correct that the words "screen," "continuous tone," "bytemap(s)" do not appear in Yoshida (Br. 12 and 17). We also agree with Appellants' contentions that printing with a halftone screen is not inherent in Yoshida as alleged by the Examiner (Br. 15), and that Yoshida fails to disclose or suggest printing in shades of colors (Br. 13) and printing with degrees of lightness (Br. 14-16).

CONCLUSIONS

(1) Appellants have established that the Examiner erred in rejecting claims 1, 4, 9, and 14 as being anticipated under 35 U.S.C. § 102(b).

(2) Appellants have established that the Examiner erred in rejecting claims 2, 5, 6, 11, 12, 15, and 17-19 as being unpatentable under 35 U.S.C. § 103(a).

(3) On this record, claims 1, 2, 4-6, 9, 11, 12, 14, 15, and 17-19 have not been shown to be unpatentable.

DECISION

The Examiner's rejections of claims 1, 2, 4-6, 9, 11, 12, 14, 15, and 17-19 are reversed.

REVERSED

KIS

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